

1 DANIEL F. POLSENBERG (SBN: 2376)

2 DPolsenberg@lrrlaw.com

3 DAN R. WAITE (SBN: 4078)

4 DWaite@lrrlaw.com

5 MATTHEW W. PARK (12062)

6 MPark@lrrlaw.com

7 LEWIS ROCA ROTHGERBER, LLP

8 3993 Howard Hughes Parkway, Suite 600

9 Las Vegas, NV 89169

10 Telephone: (702) 949-8200

11 Facsimile: (702) 949-8398

12 *Attorneys for Defendants*

13 *Clark County School District (CCSD);*

14 *Pat Skorkowsky, CCSD Board of School*

15 *Trustees; Erin A. Cranor; Linda E. Young;*

16 *Patrice Tew; Stavan Corbett; Carolyn Edwards;*

17 *Chris Garvey; Deanna Wright; Thurman White*

18 *Middle School (TWMS); Principal Andrea Katona;*

19 *Dean Ron Kamman; Dean April Barr; Sabreena*

20 *Adams; Mrs. Kim Jefferson; and Andre Long*

13 **IN THE UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 JASON LAMBERTH, as father in his  
16 individual capacity and estate representative  
17 of HAILEE JOY LAMBERTH; JENNIFER  
18 LAMBERTH, as mother in her individual  
19 capacity and estate representative of HAILEE  
JOY LAMBERTH; and JACOB  
LAMBERTH, brother of HAILEE JOY  
LAMBERTH,

20 Plaintiffs,

21 vs.

22 CLARK COUNTY SCHOOL DISTRICT  
23 (CCSD); Pat Skorkowsky, in his official  
24 capacity as CCSD superintendent; CCSD  
25 BOARD OF SCHOOL TRUSTEES; Erin A.  
26 Cranor, Linda E. Young, Patrice Tew, Stavan  
27 Corbett, Carolyn Edwards, Chris Garvey,  
28 Deanna Wright, in their official capacities as  
CCSD BOARD OF SCHOOL TRUSTEES;  
THURMAN WHITE MIDDLE SCHOOL  
(TWMS); Principal Andrea Katona, in her  
individual and official capacity as principal of  
TWMS; Dean Ron Kamman, in his individual  
and official capacity as Dean at TWMS; Dean  
April Barr, in her individual and official  
capacity as Dean at TWMS; Sabreena Adams.

Case No.:

**JOINT NOTICE OF REMOVAL**

Clark County District Court  
Case No. A-14-708849-C

1 in her individual and official capacity as  
 2 counselor at TWMS; Mrs. Kim Jefferson, in  
 3 her individual and official capacity as  
 4 instructor at TWMS; Andre Long, in his  
 5 individual and official capacity as Academic  
 6 Manager of CCSD,

7  
 8 Defendants.  
 9  
 10

11 Defendants Clark County School District (“CCSD”); Pat Skorkowsky, Clark County  
 12 School District Board of School Trustees; Erin A. Cranor; Linda E. Young; Patrice Tew; Stavan  
 13 Corbett; Carolyn Edwards; Chris Garvey; Deanna Wright; Thurman White Middle School  
 14 (“TWMS”) (a non-entity, erroneously sued);<sup>1</sup> Principal Andrea Katona; Dean Ron Kamman; Dean  
 15 April Barr; Sabreena Adams; Mrs. Kim Jefferson; and Andre Long all jointly remove this action  
 16 from the Eighth Judicial District Court for the State of Nevada to the United States District Court  
 17 for the District of Nevada pursuant to 28 U.S.C. §§ 1441, 1446. The Defendants base their  
 18 removal of this case upon federal question jurisdiction under 28. U.S.C. § 1331, because Plaintiffs’  
 19 Complaint alleges several claims arising under federal law.  
 20

21 **I. The State Court Action**

22 A. This action was filed on October 22, 2014 in the Eighth Judicial District Court of  
 23 the State of Nevada. Plaintiffs are the parents and brother of Hailey Joy Lambert. Plaintiffs claim  
 24 the Defendants failed to protect Hailee from harassment and bullying and that such caused Hailee  
 25 to commit suicide.  
 26

27 B. Plaintiffs claim violations of both federal and state laws, i.e., 1) wrongful  
 28 death/negligence; 2) wrongful death/negligence *per se* violations of the Nevada Revised Statutes  
 1 and CCSD policies; 3) negligent infliction of emotional distress (bystander); 4) Section 1983 claim  
 2 for violations of U.S. Constitution substantive due process rights; 5) Section 1983 claim (*Monell*  
 3 liability) for U.S. Constitution substantive due process rights; 6) Section 1983 claim for violations  
 4 of expressive association right under the U.S. Constitution; 7) Section 1983 claim (*Monell*  
 5 liability) for violations of expressive association right under the U.S. Constitution; 8) defamation;  
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1 TWMS is a building (i.e., real property) not capable of being sued. As a non-entity, the CCSD  
 Defendants will seek the dismissal of TWMS.

1 9) negligent infliction of emotional distress (individual); 10) unreasonable publicity given to  
2 private facts; and 11) false light invasion of privacy.

3 C. In the Complaint, Plaintiffs allege that “this action arises under the N.R.S., the  
4 Nevada State Constitution, the U.S. Constitution, and 42 U.S.C. § 1983.” *See* Compl. at ¶ 4,  
5 attached as **Exhibit A**.

6 D. The Defendants remove this case based on federal question jurisdiction because  
7 several of Plaintiffs’ claims allege violations of federal law and U.S. Constitutional rights.

8 E. By removing this case to federal court, the Defendants do not waive any defenses  
9 available to them.

## 10 **II. This Court Has Federal Question Jurisdiction**

11 A. Under 28 U.S.C. § 1331, “[t]he district courts shall have original jurisdiction of all  
12 civil actions arising under the Constitution, laws, or treaties of the United States.”

13 B. The “presence or absence of federal-question jurisdiction is governed by the ‘well-  
14 pleaded complaint rule,’ which provides that federal jurisdiction exists only when a federal  
15 question is presented on the face of the plaintiff’s properly pleaded complaint.” *Caterpillar Inc. v.*  
16 *Williams*, 482 U.S. 386, 392 (1987). In other words, federal question jurisdiction exists where the  
17 “[c]omplaint establishes either that federal law creates the cause of action or that...plaintiff’s right  
18 to relief necessarily depends on resolution of a substantial question of federal law.” *Franchise Tax*  
19 *Bd. v. Constr. Laborers Vacation Trust*, 463 U.S. 1, 27-28 (1983).

20 C. This Court has original and exclusive federal question jurisdiction, pursuant to 28  
21 U.S.C. § 1331, over several of Plaintiffs’ claims, including the Fourth, Fifth, Sixth and Seventh  
22 Claims for Relief (see section I(B) above).

23 D. In fact, Plaintiffs allege the following:

24 1. Several of the Defendants violated decedent Hailee Joy Lamberth’s  
25 substantive due process rights provided for under the Fifth and Fourteenth  
26 Amendments to the U.S. Constitution. *See* Compl. at ¶¶ 90, 95, 99.

27 2. Several of the Defendants “violated the First and Fourteenth Amendments  
28 rights under the United States Constitution of Plaintiffs Jason

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1 Lamberth...Jennifer Lamberth...and Jacob Lamberth." *See* Compl. at ¶ 96.  
 2 These alleged violations include "depriving [these Plaintiffs]...of their First  
 3 Amendment right of expressive association with decedent Hailee Joy  
 4 Lamberth and their Fourteenth Amendment liberty interest in decedent's"  
 5 companionship. *Id.*; *see also* ¶¶ 99, 101.

6 3. Plaintiffs invoke 42 U.S.C. § 1983 and 42 U.S.C. § 1988 as applicable law.  
 7 *See*, e.g., Compl. at ¶ 93.

8 E. Supplemental jurisdiction of Plaintiffs' remaining state law claims is proper under  
 9 28 U.S.C. § 1337(a) as these claims are "so related to claims in the action within [the Court's]  
 10 original jurisdiction that they form part of the same case or controversy." Specifically, Plaintiffs'  
 11 state law claims arise from the same facts and circumstances as the federal claims, i.e. the alleged  
 12 bullying of Hailee Joy Lamberth by students and her subsequent suicide.

13 **III. Removal Is Timely**

14 A. This action was filed on December 22, 2014 in the Eighth Judicial District Court of  
 15 the State of Nevada.

16 B. Defendants Clark County School District, Clark County Board of School Trustees,  
 17 Stavan Corbett, Carolyn Edwards, Linda E. Young, Patricia Tew, Deanna Wright, Pat Skorkowsky,  
 18 Erin A. Cranor, and Chris Garvey were served on November 6, 2014.

19 C. Defendant Andre Long was served on November 7, 2014.

20 D. Defendants April Barr, Andrea Katona, Sabreena Adams, Ron Kamman and Kim  
 21 Jefferson were served on November 12, 2014.

22 E. Defendant Thurman White Middle School has not yet been served.

23 F. A notice of removal must be filed "within thirty days after the receipt by the  
 24 defendant, through service or otherwise, of a copy of the initial pleading . . . or within thirty days  
 25 after the service of summons upon the defendant . . ." *See* 28 U.S.C. § 1446(b). This notice is  
 26 timely filed within the 30-day period for removal.

27 **IV. The Defendants Have Met All Other Requirements For Removal**

28 A. This Court has federal question jurisdiction under 28 U.S.C. § 1331, and

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1 supplemental jurisdiction over state claims under 28 U.S.C. § 1337.

2 B. Removal is proper pursuant to 28 U.S.C. §§ 1441 and 1446.

3 C. The United States District Court for the District of Nevada embraces the locality in  
4 which the state court action is now pending, making this Court a proper forum pursuant to  
5 28 U.S.C. § 1446(a).

6 D. All defendants consent to removal.

7 E. No previous application has been made for the relief requested herein.

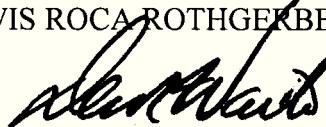
8 F. The defendants have attached to this notice, copies of all process, pleadings and  
9 orders filed in the Eighth Judicial District Court of Nevada prior to the filing of this Notice of  
10 Removal, attached as **Exhibit B**.

11 G. The defendants have concurrently filed a copy of this notice in the Eighth Judicial  
12 District Court of Nevada.

13 H. Plaintiffs have been served with a copy of this notice.

14 DATED this 5<sup>th</sup> day of December, 2014.

15 LEWIS ROCA ROTHGERBER LLP

16 By: 

17 DANIEL F. POLSENBERG (SBN: 2376)  
18 DAN R. WAITE (SBN: 4078)  
19 MATTHEW W. PARK (12062)  
20 LEWIS ROCA ROTHGERBER, LLP  
21 3993 Howard Hughes Parkway, Suite 600  
22 Las Vegas, NV 89169  
23 Telephone: (702) 949-8200  
24 Facsimile: (702) 949-8398

25 *Attorneys for Defendants Clark County  
26 School District (CCSD); Pat Skorkowsky,  
27 CCSD Board of School Trustees; Erin A.  
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Garvey; Deanna Wright; Thurman White  
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Katona; Dean Ron Kamman; Dean April  
Barr; Sabreena Adams; Mrs. Kim  
Jefferson; and Andre Long*

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## **CERTIFICATE OF SERVICE**

I hereby certify that on December 5, 2014, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing on the CM/ECF registrants.

I hereby further certify that on December 5, 2014, service of the foregoing was made by first class U.S. Mail and via email to the following:

Allen Lichtenstein, Esq.  
Staci Pratt, Esq.  
Allen Lichtenstein, Ltd.  
3315 Russell Road, No. 222  
Las Vegas, NV 89120

allaw@lvcoxmail.com

DATED this 5<sup>th</sup> day of December, 2014.

An Employee of Lewis Roca Rothgerber LLP

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ROTHGERBER